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WILL THE FORM OF PARLIAMENTARY GOVERNMENT BE PERMANENT?

THE prevalent faith in the permanence of Parliamentary government rests on two facts of most unequal significance.

Of these the first, and by far the most important, is the endurance and the success of the English constitution.

The English Parliament has existed more or less under its present form for more than six centuries, and as one generation has succeeded another generation the power of two Houses, and especially of the House of Commons, has increased until at last they have become the center of our public life.

The impressiveness of this fact is increased by the knowledge that the position, the influence, and the character of the English Parliament has varied from age to age. For this variation establishes the capacity inherent in representative government for adapting itself to the changing circumstances of different eras. This is just one of those phenomena which impress the imagination. The constitution, which in a certain sense took its present form under Edward I., has been found to suit times as different from the age of the Plantagenets as from our own, and step by step, as the power of England has increased, so the constitution has proved itself capable of expansion. The constitution has been flexible enough to admit of the incorporation of Wales with England, the union of England and Scotland, and the union of Great Britain

with Ireland. A system, moreover, framed originally for the government of part of a small island, has by a course of almost unconscious adjustment developed so as to meet the wants of a large empire, and the body which was originally the Parliament merely of England, has come to control in different manners and in different degrees colonies and dependencies whereof some, such as Victoria or the Canadian Dominion, have attained to virtual independence, and others, such as the whole Indian Empire, are in truth governed by officials who in the last resort take their orders from a Parliamentary committee. Nor can the severest censor deny that English constitutionalism has, if judged by its fruits, been crowned with extraordinary success. Parliament, no doubt, has committed the grossest errors, but the same thing may be said of every government which has ever existed; the smallness of the wisdom which is employed upon and suffices for the ruling of the world has become proverbial. In the United States, at any rate, is it at all likely that the incapacity and want of foresight displayed in colonial affairs by George the Third and his people will be underrated,—though it may still remain a question to be solved only by the history of the future whether the folly and incompetence of Presidents may not in the long run prove as disastrous as the ignorance and arrogance of Kings? But when the blunders of Parliament are weighed against the achievements of the English people, candid critics will own that a large balance stands to the credit of constitutional government. For England under, if not by virtue of, her constitution has in every age come safely through storms in which other nations have made shipwreck. The constitution, in which must be included our whole judicial system, kept alive the traditions of freedom throughout the anarchy of the War of the Roses and prevented the turbulence of aristocratic factions from destroying the vitality of the people. National prosperity under the Tudors was due, it may be asserted, to the crown rather than to the two houses. But this assertion, even if its truth be granted, does not substantially detract from the services rendered to the country by representative institutions. For the existence of Parliament either checked the tyranny of the crown, or directed despotic power into channels in which its exercise, while it increased the authority of the King, favoured the welfare of the nation. Under the Parliamentary system of England the country went with success through the social and ecclesiastical revolution which we call the reformation, and suffered not one tithe of the miseries

which crushed the hope of establishing religious freedom in France and deferred for generations the unity and the prosperity of Germany. That the constitution enabled the nation to resist the despotism of the Stuarts and ultimately to establish the reign of religious toleration is patent to every student. A matter which is less observed, and therefore deserves more attention, is that English constitutionalism restored the public morality which had been shaken by the revolutionary movements of the seventeenth century. Compare the age of Walpole with the age of Peel. Mark the gradual revival of high public spirit which had taken place during the intervening period. From such a comparison it is impossible not to conclude that, whatever the defects of the unreformed Parliament, there was something to be found in the institutions of England which not only allowed but encouraged an improvement in the general character of public life. Parliamentary constitutionalism, lastly, carried the country triumphantly through the conflict with Jacobinical and Imperial France, and during the long peace which ensued procured for England without the evils of revolution all the beneficial reforms which on the Continent have been attained (if at all) at the cost of violence and injustice. No one, then, can wonder that the combined stability and flexibility of English institutions should have made a lasting impression on the imagination of the modern world.

The second great fact on which rests the faith in representative government is the extension of the Parliamentary system throughout the whole of the civilized world.

This system of government has now been adopted by all the states of Europe except Russia and Turkey; it prevails, speaking broadly, in every country which has drawn its civilization from European sources; it has at last invaded even the far East. The extraordinary, not to say excessive, imitateness of the Japanese has enabled them to create, as it were at one stroke, a copy or a caricature of modern constitutionalism. They have their constitutional King, their Cabinets, their Ministerial majorities, their Opposition, and their Obstructives, and have reproduced the flaws as accurately as the beauties of popular government in its latest shape. Whether this importation of the political wares of Europe into an Eastern country will turn out for the benefit of Japan, time alone can show; but the adoption of the forms of constitutionalism by an Eastern race utterly devoid of Parliamentary traditions is conclusive evidence that to the men of to-day representative government

appears to be an essential characteristic of a civilized or progressive state.

This state of opinion is perfectly natural, yet there exist considerations which may suggest a doubt whether its soundness is established by the facts on which it admittedly rests.

The constitutional history of England, in the first place, is exceptional, not to say anomalous, and any careful reasoner must be on his guard against applying to the inhabitants of other lands lessons drawn from the experience of Englishmen. One example among a score which lie ready to hand is enough to illustrate my meaning. The insular character of the country has saved the liberties of England from destruction. It is difficult to see how they could possibly have struck deep root or been gradually extended on the European continent, or indeed in any country exposed to the attacks of powerful neighbors and hence compelled to strengthen the authority of the executive and ultimately to keep on foot a large standing army. At the present moment it is hard to realize how insignificant were the armed forces of England during the period when Parliament laid the foundations of its authority. At one crisis, indeed, the protection of English freedom necessitated the creation of a standing army and submission to the unlimited power of a successful general. This attempt to use military force on behalf of Parliamentary freedom was made under the most favourable circumstances; Cromwell was by training a civilian, his soldiers were republicans. But the experiment ended in failure. Supremacy of the army was found incompatible with respect for the liberties of Englishmen, and the Restoration was even more the victory of the Parliament than of the crown. The United Kingdom now maintains armed forces which a past generation would have considered, and not without reason, a menace to civil liberty. But British armies now exist for the protection of the whole British Empire, and for this purpose they are not large, and a navy is a force which, except in the rarest cases, cannot be used as the means for effecting revolution. Parliament, moreover,—and this is, after all, the main point,—has now become an essential part of English institutions and the whole English people have been thoroughly imbued with Parliamentary ideas and Parliamentary traditions. The most vigilant friends of freedom therefore are assured that they may now witness with indifference the creation of armies far more numerous than the regiments which under Cromwell defied and dissolved Parliaments. There is no

need to illustrate my point further. It is clear that both the annals of England and the experience of other countries during the last hundred years make it in the highest degree doubtful how far English institutions can with success be transplanted to countries of which the development has been utterly different from the exceptional history of England; it assuredly were rash to assume that English experience proves Parliamentary government to be a form of polity adapted to the wants of every civilized people.

This proof is, it is supposed, afforded by our second great fact, namely, the expansion of Parliamentary government throughout the world.

Any thinker, however, who has learnt how immense is the influence in human affairs of imitativeness will hesitate to conclude that the rapid growth of a fashion proves its fitness to meet a given want. In politics fashion is omnipotent. Parliamentary government has during the last half century become fashionable, and the nations who one after another have adopted representative institutions have acted from the natural desire to imitate neighbours whose prosperity or power they admired. Japanese statesmen have perceived that Europe is strong. They wish to be like Europeans; they have adopted the political dress which is fashionable in Europe, just as they have many of them put on tail coats and tall hats. In each case they have wished to look like Europeans. They have acted exactly as did the Franks or the Lombards when they adopted the titles or the laws existing in the Roman Empire. If the desire to acquire Western habits had prevailed in Japan at the time when Louis the Fourteenth was the most admired of European potentates, Japanese statesmen would have organized an administration modelled on the administrative system of France; they would have followed the fashion of Paris rather than of London. The sequacity of human nature is not after all peculiar to any one race or country. The statesmen of modern Spain, Italy, or Mexico have under different forms followed the prevalent fashion of their day. Whether the constitution of a country should be a Parliamentary Monarchy, a Centralized Republic, or a Federal Commonwealth has in many cases been determined not by any rational conviction that a particular kind of government was adapted to meet the wants of a given people, but by the unconscious desire of constitution makers to follow the reigning fashion of their day, which in its turn depended upon the predominant prestige of England or of France, or of the United States.

A political invention, however, it may be said, — and Parliamentary government is nothing else than a more or less recently invented piece of political mechanism, — is like other products of human ingenuity, such, for example, as the steam-engine or the electric telegraph, adopted in one country or another in part at least because of its proved utility. The wide diffusion, therefore, of parliamentary institutions affords a presumption of their being found of advantage by the nations who adopt them.

This remark is obviously true; its force, however, is diminished by two reflections. The political fashion, in the first place, in which we are concerned is, historically speaking, of recent origin. In 1788 — The year before that meeting of the French States-General which opened the revolutionary drama — Parliamentary institutions were, broadly speaking, the exclusive possession of the English people. They existed only in England or in countries which were or had been colonies or dependencies of England. In Denmark and in Sweden, indeed, Parliaments had at dates which were then still recent been powerful, but in these countries they had been, or were about to be, abolished, and in each case the triumph of the crown was due to the favour of the people. There has, in the second place, been nothing more remarkable than the constant fluctuations of popular sentiment in regard to the advantages of Parliamentary constitutionalism. The French Revolution was a movement directed against social inequality and political despotism and naturally kindled enthusiasm for the best known and most successful form of popular government. At one moment therefore it seemed reasonable to anticipate that the Parliamentary system might be established in the leading states of Europe. This expectation was disappointed. Napoleon invented a new form of enlightened despotism more opposed to that freedom of discussion which is the very soul of Parliamentary government than were the monarchies which were destroyed or shaken by the Revolution. His fall brought English constitutionalism into vogue, but neither the overthrow of Napoleonic Imperialism nor the triumph of England did as much as might have been expected to propagate the faith in Parliamentary freedom. Consider the state of Europe in 1845. In several important countries, as for example, in France, in Belgium, and in the Spanish Peninsula, were to be found constitutional monarchies which reproduced at any rate the onward forms of English freedom. In some of these countries the reproduction was far more nominal than real. Still, in 1845 the realm

of liberty, as that term is understood in England, has been extended, but against this gain must be set the supremacy of despotism in Italy and practically throughout the whole of the Austrian Empire. Turn now to the year 1858. We shall find that the revolutions of 1848, though most of them futile, had in one or two countries, notably in Piedmont and in Switzerland, established a permanent form of Parliamentary government. But progress had been balanced by retrogression. In France the Empire had been re-established, and however odious the treachery of the *coup d'état*, re-established with the acquiescence if not with the active approbation of the French nation. But the Empire, whatever its other characteristics, was, and always will be, the negation of Parliamentary government. Throughout the Austrian dominion the rule of despotism had been strengthened and the constitutional rights of Hungary had been destroyed. The date of 1858 is worth notice; it marks the end of an age. In 1859 the war which partially liberated Italy opened something like a new era. Since that year Parliaments have been reintroduced or re-established in almost every European state. Still this fact, important though it be, does not entitle us to disregard the changes of public opinion in regard to Parliamentary government. They prove the possibility, at any rate, that a nation which, in accordance with the fashion of the day, has adopted, may, as the fashion alters, surrender a Parliamentary system of government; it cannot claim to stand on the same level as any invention which has so manifestly benefited mankind that it will not, or rather cannot, be given up by those who have once experienced its advantages.

The belief, then, in the permanence of the Parliamentary form of government rests, after all, on a narrow and uncertain basis of historical fact; it is founded, as we have seen, first, on the admitted success of the British constitution, and next, on the experience of something between fifty and a hundred years.

Against the force of these two facts is to be placed a phenomenon of which, whatever its permanent importance, no candid observer can deny the existence.

Faith in Parliaments has undergone an eclipse; in proportion as the area of representative government has extended, so the moral authority and prestige of representative government has diminished.

That this is so must be patent to any man old enough to remember the condition of opinion as late even as the middle of this century. When the revolutions of 1848 gave to reformers

or revolutionists an unexpected though transient opportunity for putting their theories into action, there arose in one European country after another the demand for a "constitution," a word which in those days invariably included the introduction, or the extension, of Parliamentary government. The truth is that at that date there was not a friend of the progress of freedom throughout Europe who did not believe that the extension of representative institutions of one kind or another throughout the civilized world would confer the greatest benefit on mankind. On this matter, and perhaps on this matter alone, English statesmen, such as Macaulay, Palmerston, or Gladstone, agreed not only with continental Parliamentarians, such as Cavour, but also with revolutionists of the most different types, such, for instance, as Lamartine, Kossuth, or Mazzini. Compare now this universal faith which marked the middle with the skepticism which marks the close of the nineteenth century. From every part of the world is heard criticism or censure of Parliamentary institutions. They may all be summed up in the one word, "Parliamentarism." It is an un-English term, though it can now make good its claim to the wide if not indiscriminate hospitality extended by Dr. Murray's dictionary to any word, however uncouth, which has been used by any scribbler who purports to write the English language. It is of continental origin and expresses an idea which has till recently been foreign and almost unnatural to Englishmen, namely, the moral breakdown of Parliamentary government.

It were easy to cite proofs of the discredit, though it may well be only temporary discredit, into which Parliamentary constitutionalism has fallen. The increasing rigidity and minuteness of American constitutions, the Referendum of Switzerland, — which, by the way, exists in reality though not in name, in all but every State of the American Republic, — the proposals for elaborate schemes of proportional representation, the denunciation of the party system by brilliant and weighty writers who express in language which few men can command sentiments which thousands of men entertain, all bear witness to the widespread distrust of representative systems under which it, occasionally at least, may happen that an elected Parliament represents only the worst side of a great nation. But it is needless to produce evidence of a state of opinion of which few observers will deny the existence. For my present purpose the important matter is to define its causes.

These causes may be summed up under three or several different heads.

First. The general adoption of representative government has of necessity robbed Parliaments of much of their prestige.

As long as the countries which possessed representative legislatures were few and, as it happened, prosperous, it was easy to attribute their well-being to their admirable constitutions and to believe that any people would prosper who acquired the right to be their own lawgivers. It was easy also for every enthusiast to believe that a Parliament which represented the people would enact every law by which the people would benefit, or in other words every law which the reformer or philanthropist himself thought beneficial. These pleasing anticipations which at revolutionary crises have unduly influenced the judgment even of wise and experienced men were doomed to disappointment. Now that every country has its Parliament and countries still differ greatly in prosperity, we know for certain that representative institutions cannot insure national good fortune. Parliamentary legislatures, again, represent the folly no less than the wisdom of their electors and their legislation is often simply a record of human stupidity. A law, moreover, which is approved by one reformer is opposed to the firmest convictions of another; there never has been and never will be a law-giving body, be it King, Parliament, or popular assembly, the laws whereof do not offend at least as many persons as they conciliate.

Secondly. Some of the blessings which persons who could not be called optimists reasonably expected from the extension of popular government have not in fact been conferred upon the nations which of modern times have enjoyed representative institutions.

Take as an example of this the case of Italy. Not much more than forty years have passed since the best and wisest men throughout every country in Europe hailed with delight and hope the new birth of the Italian people. Every one had noted that under the most unfavourable circumstances Italy, though torn in pieces by foreigners and held in intellectual darkness by priestly tyranny and persecution, could still produce men of high genius and undoubted patriotism. The expulsion of foreigners and the introduction of civil and religious liberty would, it was confidently supposed, give new life to Italy, and enable her to form citizens who might in heart and intellect be the guides of modern Europe. Italy has now become as free as any country in the world; she is ruled, and

has been wholly ruled for more than twenty-five years, by a freely elected Parliament, convened by a constitutional monarch who has been absolutely loyal to the constitution, yet the hopes of the friends of Italy have been disappointed. They have been doomed to witness an historical paradox. The rule of the foreigner, of the despot, and of the priest gave birth to Italians whose names history will not easily forget; Italian freedom and independence have produced, as far as the outer world can see, nothing but politicians who for the most part may be happy to reflect that the insignificance which deprives them of contemporary fame may protect them from post-humous infamy. Where are the successors of Cavour, of Mazzini, of Garibaldi, or of Manin? Assuredly they are not to be found on the seats of the Parliament at Rome. No sane man, let me add, can wish for the restoration of despotism or doubt that Italy contains, as she always has contained, men of genius and greatness. But there are many observers at this moment who, unreasonably enough it may be, doubt whether Parliamentary constitutionalism of the modern type is likely to bring what is best and noblest in Italy to the service of a country which certainly needs the guidance of leaders endowed with wisdom and honesty. Add to this that Italy is not the only country in which representative government has of recent years failed to foster the best fruits of freedom.

Thirdly. The circumstances of modern life divest representative assemblies of dignity.

Publicity is a necessity, but it is also the bane of public life. It were easier for Englishmen to admire the House of Commons, and I conjecture for American citizens to admire the House of Representatives, were it not possible to read the daily records of Parliamentary or Congressional debates. There are certainly few works containing information of any worth whatever which in point of dreariness can rival the pages of Hansard. On the whole, the world has gained by the existence of a free press, and yet the instinctive hostility of the House of Commons to reporters was not in every way unreasonable. The newspapers inevitably display to the world the paltry and undignified side of Parliamentary government. There is no valid ground to suppose that the amount of talent to be found among English Members of Parliament at the end of the nineteenth century is less than can be discovered among their predecessors at the end of the eighteenth century. But there is one great difference. Every Member of Parliament, whatever his talents, is now more or less before the world. We all know the weak sides of our great

men, and what is perhaps even worse, the utter commonplaceness of our second-rate and third-rate politicians. At the end of the last century the few men who were known to the mass of the nation were leaders, and these leaders never came before the public in undress. Even fifty years ago, Lord Palmerston could jeer at Mr. Bright for "starring it in the provinces." The jest was even then a little out of date; it would now be unmeaning. To "star it in the provinces" has for the last twenty years or more been a main occupation of every public man from the premier downwards who was, or aspired to be, a leader.

Fourthly. Recent years have revealed the liability of Parliament to two weaknesses or diseases, the existence of which was not noted even by an observer so acute as Bagehot.

The first of these maladies is the tyranny of minorities. We now know that by means of obstruction a determined minority may thwart the will of a majority and undermine at once the authority and efficiency of a legislature. This disease, it is true, can, as we also know, be checked by its proper remedy, but the closure, which is as yet the only discovered safeguard against obstruction, is from the point of view of a Parliamentarian such as Bagehot, nearly as bad as the malady it cures. For the closure puts an end to that free debate which is essential to government by discussion, and the possibility of dispensing with discussion suggests at least the idea which is fatal to the moral authority of Parliament, that Parliamentary debate is in itself of no great value.

The second of these diseases is the failure of a Parliament fairly elected by fairly formed constituencies to represent, even on matters of importance, the wishes of the nation.

This is a risk against which you will find little or no warning in the pages of the older writers on the constitution, such as Hallam, Freeman or Bagehot. Yet the possibility of such failure has now become notorious. Whenever the citizens of an American State reject changes proposed by a constitutional convention, whenever the people of Switzerland on a Referendum veto laws passed by the Federal Assembly, whenever a newly elected English House of Commons condemns by a decisive majority a bill which has been passed by a House of Commons which has just been dissolved, it is patent that representative bodies have misrepresented the wishes of their electors. Let it too be noted that this failure on the part of a representative assembly to perform its main function need not arise from any treachery or misconduct on the part of its members.

The Swiss people have again and again re-elected to seats in Parliament the very men whose legislation the Swiss people have refused to sanction. On the merits or defects of direct legislation by the people it is for my present purpose unnecessary to pronounce any opinion whatever. All that is here insisted upon is that the possibility of a representative body failing to represent the persons who elected it detracts from the authority of a Parliament.

Lastly. Parliaments have suffered in credit because they have of recent years been set to do work for the performance of which an assembly is by its nature unfit.

This is assuredly true of the ancient Parliament of England. The aim of the reformers who at the end of the last and in the early part of the present century extolled the merits of representative government was in the main to destroy all the monopolies and privileges which hampered the exercise of individual freedom. Now for purposes of destruction a popular assembly is the best of instruments. The Long Parliament by two short ordinances abolished the English Monarchy and the House of Lords. The National Assembly of France in one night's sitting destroyed all the remnants of feudalism, and if "the St. Bartholomew of Abuses," as a French historian has named the 4th of August, 1789, did not in reality make as clean a sweep as the Assembly desired of the *ancien régime*, the partial failure was due to the impossibility of reforming the land laws of any country without constructive legislation which replaces the laws which you abolish by some new and better system. Nor is it revolutionary assemblies alone which are good at destruction. To repeal the penal laws which oppressed the Catholics, to do away with every form of Protection, to disestablish the Irish Church, were feats which lay well within the competence and were admirably performed by the Parliament of the United Kingdom. There is no reason to suppose that Parliamentary capacity for destruction is a whit lessened. If the demand of the age were still a demand for destructive legislation, the Parliament of England would prove as efficient as ever. A change, however, has gradually come over the spirit of our times. Modern reformers have, at any rate for the last quarter of a century, called for constructive legislation which it is supposed will meet the needs of the country and render happier the life of the masses. We have passed, or we have partially passed, and this almost unconsciously, from the creed of Individualism to the creed of Collectivism. This

new form of faith imposes upon a representative assembly the very work which a large representative assembly is not well fitted to perform. The declining belief in the doctrine of *laissez-faire* connects naturally with the fall in the credit and moral authority of Parliament.

If there be any truth in these reflections, we arrive at results which, though far removed from the field of practical politics, may have a certain speculative interest. The belief that the Parliamentary system, as it now exists, is likely to be permanent, is based, we find, on certain real and important facts, which, however, afford a narrow and insufficient foundation for the conclusion rested upon them. It becomes clear again, on the other hand, that during the latter part of the nineteenth century the prestige of Parliamentary government has declined. This loss of credit or moral authority is due (it is submitted) to definite causes of very varying importance. To what extent these causes are likely to continue in operation and how far they may be removed or counteracted, is one of those questions on which a prudent thinker will do well to pronounce no definite opinion, but leave it to the consideration of intelligent readers.

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